

Order

Michigan Supreme Court
Lansing, Michigan

March 23, 2016

Robert P. Young, Jr.,
Chief Justice

151382

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 151382
COA: 319039
Wayne CC: 13-002517-FH

MAHER MOHAMMED NAWWAS,
Defendant-Appellant.

By order of September 29, 2015, the prosecuting attorney was directed to answer the application for leave to appeal the February 12, 2015 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals, we VACATE the sentence of the Wayne Circuit Court, and, based on the prosecutor's response confessing error and stating that the defendant is entitled to resentencing, we REMAND this case to the trial court for resentencing. The Sentencing Information Report indicates that the trial court only scored the sentencing guidelines for the defendant's violation of MCL 750.227. "Offense variables are properly scored by reference only to the sentencing offense except when the language of a particular offense variable statute specifically provides otherwise." *People v McGraw*, 484 Mich 120, 135 (2009). The trial court erred in scoring offense variable 9, MCL 777.39, based on a finding that two to nine victims were placed in danger of physical injury or death in relation to the defendant's violation of MCL 750.227. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



a0316

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 23, 2016


Clerk